

## **CONFIDENTIAL**

### **ACCESS AGREEMENT**

THIS CONSENSUAL AGREEMENT is made and entered into between the Tribal Natural Resource Department (Department), an agency of the Lac du Flambeau Band of Lake Superior Chippewa (LDF), a sovereign Indian Tribe whose government is recognized by the United States, and Rose and Lisa Sundberg (Sundbergs), in their personal capacity, whose property has the abbreviated legal description of PRT SE SW EXC 366-607 PCL 1 ASSMT INC CN 1992, Parcels 12-8 on Vilas County Survey Map Land Records, Lac du Flambeau, Wisconsin 54538 (the Property). The Department and the Sundbergs are collectively referred to herein as "Parties."

#### **A. RECITALS**

1. On October 13, 2008, the LDF adopted a Hazardous Substance Control Code (Code) to provide a remedial law for the cleanup of historic hazardous substances sites, address adverse impacts to the Reservation Environment resulting from releases of threatened releases of hazardous substances and for other purposes.
2. The Code expressly authorizes the Tribe to exercise its civil regulatory authority for the purpose of identifying, investigating, and cleaning up areas within the Reservation Environment that are impacted or potentially impacted by releases of hazardous substances. The Code also authorizes the Natural Resource Department (Department) and its employees, agents, or contractors to enter upon properties and conduct investigations
3. The United States Environmental Protection Agency (EPA) has ordered that corrective action must be taken to address the contamination from leaking underground storage tanks (USTs) associated with the Tower Standard site located at 14267 State Highway 70 West in Lac du Flambeau, Wisconsin (Site). The Site is located within the boundaries of the LDF reservation (Reservation).
4. The Site is located adjacent to the Property and it is the understanding of the Department and the Sundbergs that the contamination from the leaking USTs at the Site has contaminated the Property.
5. The Department and the Sundbergs desire to clarify the terms of the Department's access to the Property and Work Activities (as defined in ¶ 2 below) to further expedite remedial actions as specified in this Agreement.

#### **B. AGREEMENT**

1. Grant of Access. The Sundbergs hereby grant to the Department, its members, officers, employees, authorized representatives, and its invitees, which may include the United States Geological Survey (USGS), EPA, and representatives of the Wisconsin Department of Natural Resources (WDNR), access to freely move about the Property to perform or observe Work Activities. Invitees' grant of access will be subject to

Department oversight.

2. Work Activities. The Department shall perform "Work Activities" including but not limited to participating in sampling activities including soils and groundwater, and installation of groundwater monitoring wells.

3. Advance Notice and Coordination of Work Activities. Except in the case of emergency, the Department shall use its best efforts to provide reasonable notice to the Sundbergs (not less than ten (10) calendar days) prior to accessing the Property. Notice shall be provided to the Sundbergs as described below.

4. Notice. Any notice given to or made upon either of the Parties shall be in writing and be delivered via email, by telephone, or by U.S. Mail to the receiving party at the following addresses:

If to the Department:

Lac du Flambeau Band of Lake Superior  
Chippewa  
Tribal Natural Resource Department  
Attn: Larry Wawronowicz  
P.O. Box 67  
2549 Hwy. 47 North  
Lac du Flambeau, Wisconsin 54538  
Email: lwawronowicz@ldftribe.com  
Tel: (715) 588-4160

If to the Sundbergs:

Lisa Sundberg  
PO Box 399  
Trinidad, California 95570  
Email:  
Tel:

5. Effective Date. This Agreement shall come into full force and effect on the date on which both Parties have executed this Agreement.

**TRIBAL NATURAL RESOURCE DEPARTMENT**

**LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA**

By: [Signature]

Date: 7/20/17

Name: Larry Wawronowicz

Its: Natural Resource Director

**ROSE JOY SUNDBERG**

[Signature]

Date: 09/20/2017

**LISA SUNDBERG**

[Signature]

Date: 09/20/2017